



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
FREEDOM OF INFORMATION ACT BRANCH  
Washington, D.C. 20570

Via email

March 22, 2019

Anonymous User  
MuckRock News  
DEPT MR 70182  
411A Highland Avenue  
Somerville, MA 02144

Re: NLRB-2019-000539

Dear Anonymous User:

This is in response to your request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received in this Office on March 5, 2019, where you seek: "Any and all available public records naming any of the following as parties to the Human Intervention Motivation Study (HIMS) supported, overseen, and funded by the Federal Aviation Administration (FAA); specifically documentation related to the training of airline specific personnel in delivering HIMS related protocol, and all HIMS related lawsuits brought against the FAA (or your agency) related to HIMS and/or delivery of HIMS protocol, particular attention should be paid to the following airlines in fulfillment of this FOIA request: (1) United Parcel Service (UPS) Airlines, or any related party affiliated with UPS Airlines; (2) Federal Express Airlines (FedEx), or any related party affiliated with FedEx Airlines; (3) ABX Air (Airborne Express), or any related party affiliated with said airline; (4) Air Tran, ... (5) Air Wisconsin, ... (6) Air Transport International, ... (7) Alaska Airlines, ... (8) American West Airlines, ... (9) American Airlines, ... (10) Amerijet, ... (11) Atlantic Southeast (ASA), ... (12) Atlas Airlines, ... (13) Cape Air, ... (14) Compass Airlines, ... (15) Continental Airlines, ... (16) Delta Airlines, ... (17) Endeavor Air, ... (18) Envoy Air, ... (19) Expressjet, ... (20) Frontier, ... (21) Hawaiian, ... (22) Jazz, ... (23) Jet Blue, ... (24) Kalitta, ... (25) Mesa Airlines, ... (26) NetJets, ... (27) Piedmont, ... (28) PSA (Pacific Southeast Airlines), ... (29) Southeast, ... (30) Spirit, ... (31) Skywest, ... (32) Sun Country, ... (33) Trans States (TSA), ... (34) United Airlines, ... (35) USAirways, ... (36) Virgin America, ... (37) World Airways, ..., and (38) WestJet, ... Please know that some of the named airlines have slight variations in the commercial use of their names: e.g., Skywest vs. Sky West, or WestJet vs. West Jet, and/or Air Transport International vs. ATI."

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Regarding your request for records, as described above, please be advised that the National Labor Relations Board (NLRB), a federal labor agency, does not maintain or collect such records. The NLRB, and its General Counsel acting through regional and other field offices located in major cities in various sections of the country, administers the National Labor Relations Act (NLRA), a federal statute which defines the rights of employees to organize and to bargain collectively with their employers through representatives of their own choosing, or not to do so. The General Counsel and the staff of the Regional Offices investigate and prosecute unfair labor practice cases and conduct elections to determine employee representatives. The five-member NLRB Board decides cases involving charges of unfair labor practices and determines representation election questions that come to it from the Regional Offices. Accordingly, there are no records responsive to your request.

You may contact Patrick Plummer, the Attorney-Advisor who processed your request, at 202-273-2999 or by email at [patrick.plummer@nrb.gov](mailto:patrick.plummer@nrb.gov), as well as the Agency's FOIA Public Liaison, Patricia A. Weth, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist or Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency's FOIA Public Liaison is:

Patricia A. Weth  
FOIA Public Liaison  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: [FOIAPublicLiaison@nrb.gov](mailto:FOIAPublicLiaison@nrb.gov)  
Telephone: (202) 273-0902  
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: (202) 741-5770  
Toll free: (877) 684-6448  
Fax: (202) 741-5769

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You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:

<https://foiaonline.regulations.gov/foia/action/public/home>

or by mail or email at:

Chief FOIA Officer

National Labor Relations Board

1015 Half Street, S.E., 4<sup>th</sup> Floor

Washington, D.C. 20570

Email: [DLCFOIAAppeal@nrlrb.gov](mailto:DLCFOIAAppeal@nrlrb.gov)

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Sincerely,

*/s/ Synta E. Keeling*

Synta E. Keeling

Freedom of Information Act Officer